IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.247 OF 2000.

The State of Maharashtra : Appellants.

versus

Shri Nama Alya Patil : Respondent.

Mr.B.R.Patil, Acting Government Pleader, for State.

Mr.S.G.Surana for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 19th APRIL 2005.

ORAL ORDER

1. The matter is on board for orders. Print is dispensed with. By consent the appeal is taken up for final hearing. Heard the learned AGP for the State/appellant and Mr.Surana for the respondent. The appeal arises out of the land acquisition proceedings. The property is situated at village Khanda of Panvel area. The

Special Land Acquisition Officer awarded compensation at the rate of Rs.10/- per sq.mtr. The reference Court enhanced it to Rs.25/- per sq.mtr. The criteria applied, in all the matters arising from Panvel area from where the lands were acquired for New Bombay Project, was the proximity of the acquired land from the National Highway in view of the earlier Division Bench's Judgment dated 16th March 2000 in a group of appeals in First Appeal No.875/1985 and ors. [comprising of Justice A.P.Shah and Justice J.A.Patil] and, looking to the fact that the acquired land in the present case is at a distance of 1600 mtrs away from the Bombay Pune National Highway. Therefore, the respondent/claimant will be entitled to get Rs.21/- per sq.mtr. Both the learned AGP and the advocate appearing for the claimant/respondent do not dispute this legal position. Hence, the order :-

:ORDER:

The appeal is partly allowed.

The impugned order is modified. The

respondent/claimant to get compensation at the rate of Rs.21/- per sq.mtr.

Consequential benefits to stand proportionately reduced.

No order as to costs.

[D.G.DESHPANDE]

19/04/2005 JUDGE.